ORDINANCE NO. 6
SERIES 1978

FLOOD DAMAGE PREVENTION ORDINANCE

STATUTORY AUTHORIZATION AND STATEMENT OF PURPOSE

1.1 STATUTORY AUTHORIZATION

The Legislature of the State of Oregon has in statutues delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore the City Council of the City of Elgin, Oregon does ordain as follows:

1.2 STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by methods and provisions designed for:

(1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water of erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
(2) Requiring that uses vulneralbe to floods, including facilities which serve such uses,be protected against flood damage at the time of initial construction;
(3) Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accomodate or channel flood waters;
(4) Controlling filling, grading, dredging, and other development which may increase flood damage, and,
(5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters of which may increase flood hazards in other areas.

SECTION 2.0
DEFINITIONS

Unless specifically defined below, words or phrases used in the ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"AREA OF SPECIAL FLOOD HAZARD" means the land in the flood plain whithin a community subject to a one percent or greater chance of flooding in any given.

"BASE FLOOD" means the flood having a one percent chance of being equalled or exceeded in any given year.

"DEVELOPMENT" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located wihtin the area of special flood hazard.

"FLOOD OR FLOODING" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters and/or
(2) The unusual and rapid accumulation of runoff of surface waters from any source.

"FLOOD INSURANCE RATE MAP" (FIRM) means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"FLOOD INSURANCE STUDY" means the official report provided by the Federal Insurance Administration that includes flood profiles, and Flood Boundary Floodway Map, and the water surface elevation of the base flood.

"FLOODWAY" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"HABITABLE FLOOR" means any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage pruposes is not a "habitable floor".

"MOBILE HOME" means a structure that is transportable in one of more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

"NEW CONSTRUCTION" means structures for which the "start of construction" commenced on or after the effective date of this ordinance.

"START OF CONSTRUCTION" means the first placement of permanent construcion of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparations, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erectionof temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure.

"STRUCTURES" means a walled and roofed building or mobile home that is principally above ground.

"SUBSTANTIAL IMPROVEMENT" means any repair; reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either;

(1) before the improvement or repair started, or
(2) if the structure has been damaged and is being restored, before the damage occurred.
For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

SECTION 3.0
GENERAL PROVISIONS

3.1 LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the City of Elgin, Oregon.

3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The area of special flood hazard indentified by the Federal Insurance Administration in a secentific and engineering report entitled "The flood Insurance Study for the "City of Elgin" dated May, 1978 with accompanying Flood Insurance Maps. is hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file at the City Recorder Office.

4.1 ESTABLISHMENT OF DEVELOPMENT PERMIT

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 3.2. The permit shall be for all structures including mobile homes, as set forth in the "DEFINITIONS" and for all other development including fill and other activities, also as set forth in the "DEFINITIONS".

4.2 DESIGNATION OF THE

Union County, Oregon is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

4.3 DUTIES AND RESPONSIBILITIES OF THE

Duties of Union County, Oregon shall include, but not be limited to:

4.3-1 Permit Review

(1) Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
(2) Review all development permits to determine that all necessary permits have been obtained from those federal, state or local gevernmental agencies from which prior approval is required.
(3) Review all development permits to determine of the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 5.3-1 are met.

4.3-2 Use of Other Base Flood Data

When base flood elevation data has not been provided in accordance with Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Union County shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state or other source, inorder to administer Sections 5.2-1, SPECIFIC STANDARDS, Residential Construction, and 5.2-2, SPECIFIC STANDARDS, Nonresidential Construction.

4.3-3 Information To Be Obtained and Maintained

(1) Obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor including basement of all new or substantially improved structures.,

and whether or not the structure contains a basement.

(2) For all new or substantially improved flood proofed structures,

(i) verify and record the actual elevation (in relation to mean sea level), and

(ii) maintain the floodproofing certifications required in Section 5.2-2 (3)

4.3-4 (1) Notify adjacent communities and the prior to any alteration or relocation of a water-course, and submit evidence of such notification to the Federal Insurance Administration.

(2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

4.3-5 Interpretation of FIRM Boundaries

Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person constesting the location of the boundary shall be given a reasonable opp-ortunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 1910.6 of the rules and regulations of the National Flood Insurance Program (24 CFR 1909, etc.)

SECTION 5.0
PROVISIONS FOR FLOOD HAZARD PROTECTION

5.1 GENERAL STANDARDS

In all areas of special flood hazards the following standards are required:

5.1-1 Anchoring

(1) All new construction and substantial improvements shall anchored to prevent flotation, collapse or lateral movement of the structure.

(2) All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:

(i) over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations, with mobile homes less than 50 feet long requiring one additional tie per side;

(ii) frame ties be provided at each corner of the home with five additional tie per side at intermediate poimts, with mobile homes less than 50 feet long requiring four additional ties per side;

(iii) all components of the anchoring system be capable of carrying a force of 4,800 pounds, and,

(iv) any additions to the mobile home be similarly anchored.

(3) An alternative method of anchoring may involve a system designed to withstand a wind force of 90 miles per hour or greater. Certification must be provided to Union County, Oregon that this standard has been met.

5.1-2 Construction Materials and Methods

(1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
(2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

5.1-3 Utilities

(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
(2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
(3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

5.1-4 Subdivision Proposals

(1) All subdivision proposals shall be consistent with the need to minimize flood damage;
(2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electricla, and water systems located and constructed to minimize flood damage;
(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,
(4) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or 5 acres (whichever is less).

5.1-5 Review of Building Permits

Where elevation data is not available, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc. where available.

5.2 SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, or Section 4.3-2, Use of Other Base Flood Data, the following provisions are required:

5.2-1 Residential Construction

New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.

5.2-2 Nonresidential Construction

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation, or, together with attendant utility and sanitary facilities, shall:

(1) be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

(2) have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,

(3) be certified by a registered professional engineer or architectthat the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Section 4.3-3 (2).

5.2-3 Mobile Homes

(1) Mobile homes shall be anchored in accordance with Section 5.1-1.

(2) For new mobile home parks and mobile home subdivisions; for expansions to existing mobile home parks and mobile home subdivisions; for existing mobile home parks and moblie home subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds 50 percent of value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced,and for mobile homes not placed in a mobile home park or mobile home subdivision, require that:

(i) stands for lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level;

(ii) adequate surface drainage and access for a hauler are provided; and,

(iii) in the instance of elevation on pilings, that:

--lots are large enough to permit steps,
--piling foundations are placed in stable soil no more than ten feet apart, and
--reinforcement is provided for pilings more than six feet above the ground level.

(3) No mobile home shall be placed in a floodway, except in an existing mobile home park or existing mobile home park subdivision.

5.3 FLOODWAYS

Located within areas of special flood hazard established in Section 3.2 are areas designated as floodways. Since the flood way is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

(1) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(2) If Section 5.3(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION.

(3) Prohibit the placement of any mobile home, except in an existing mobile home park or existing mobile home subdivision.

5.4 EMERGENCY CLAUSE.

Inasmuch as it is essential to the preservation of the public health, welfare, peace and safety of the citizens of the City of Elgin that this ordinance be effective immediately upon its enactment, and emergency is hereby declared to exist

and this ordinance shall be in full force and effect from and after its passage and approval.

PASSED and ADOPTED this 14th day of November, 1978, by 6

(6) Council Members voting therefor.

APPROVED this 14th day of November, 1978.

BY: Thomas B. Grant
Mayor

ATTEST:

Ronald B. Loosle
City Recorder